

Appl. No. : 10/042,128  
Filed : January 7, 2002

### REMARKS

Claims 1-4, 6-12, 14, 16, and 18-32 are pending in this application. Claim 33 has been cancelled as drawn to a nonelected invention. Claim 5, 13, 15, 17, and 34 have been cancelled without prejudice, and Applicants reserve the right to pursue the same or similar subject matter in a continuation application. Claims 13 and 15-17 have been amended. Support for the amendments is found in the specification and claims as filed.

#### Elections/Restrictions

Applicants note that Claim 33 was withdrawn from consideration as drawn to a nonelected invention. Applicants have cancelled Claim 33 without prejudice. Applicants reserve the right to pursue the cancelled claim, or similar claims, in one or more continuing patent applications.

#### Specification

The specification has been objected to as incorrectly stating that Application No. 09/336,059 is a national phase application when in fact it is a continuation. The specification has been amended to correct this. Accordingly, Applicants respectfully request that the objection be withdrawn.

#### Claim Rejections - 35 U.S.C. § 112

Claims 22-26 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 22 recites "wherein said one potting head is not connected to a source of feed liquid to be filtered." It is asserted that these claims are not supported by the original specification, in that the potting head in Figures 5 and 7 is directly exposed to the feed liquid. It is noted that a single claim need not be directed to every embodiment disclosed in an application. Claim 22 is directed, for example, to membrane modules such as those depicted in Figures 1 and 7.

Referring to the schematic of the automated suction process depicted in Figure 5, the potting head (7) is connected to a source of air, and the feed liquid is provided to the cylinder tank (15). In referring to the membrane module (4) depicted in Figure 5, the specification states that "[the] lower end was connected to an air line sealed from the feed," the lower end referring to the lower potting head. (See page 9, lines 16-17 of the specification as filed.)

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Figure 5 is a schematic drawing illustrating the arrangement of the various components in the trial tank. The portion of the Figure 5 depicting the membrane module (4) has been greatly simplified, and was not intended to depict in detail all of the features of the connection of the source of air to the potting head (as in Figures 1 and 7).

Referring to the schematic of the membrane module depicted in Figure 7, air is fed into a plenum chamber (17) which may be connected to or form part of a lower manifold (18) below the aeration holes (10) of the potting head (7). The potting head (7) is not connected to a source of feed liquid. It is noted that the manifold (18) may be used as a liquid manifold for removal of concentrated backwash liquid from the tank during draindown or backwashing from the bottom of the module. The backwash liquid from the tank or module is not considered feed liquid. Moreover, the backwash liquid is only removed from the tank or module through the plenum (18), and not introduced into the membrane module (4) through the potting head (7).

Accordingly, Claim 22, which recites "wherein said one potting head is not connected to a source of feed liquid to be filtered" is fully supported by Figures 5 and 7. Accordingly, Applicants respectfully request that the rejection be withdrawn.

#### **Claim Rejections - 35 U.S.C. § 112**

Claims 13-18 have been rejected under 35 U.S.C. §112, second paragraph, as lacking antecedent basis for the limitation "the means for providing gas bubbles". Claims 13 and 15 and 17 have been cancelled. Claim 16 has been amended to delete this limitation. Claims 14 and 18 depend from claims 9. Accordingly, Applicants respectfully request that the rejection be withdrawn.

#### **Statutory Double Patenting Rejection**

Claim 34 has been rejected under 35 U.S.C. §101. Claim 34 has been cancelled. Accordingly, Applicants respectfully request that the rejection be withdrawn.

#### **Obviousness-Type Double Patenting Rejection**

Claims 1-21 and 27-32 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent No. 6,555,005. Applicants herewith submit a terminal disclaimer to overcome this rejection.

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**Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,

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Dated: 8/18/03

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